

he began his 25-year career in private practice as an associate in a Shreveport law firm. He subsequently founded his own law firm and developed an expertise in commercial and insurance-related litigation in State and Federal courts, including general aviation accidents, automobile accidents, product liability, lender liability claims, construction disputes, intellectual property claims, and insurance coverage questions, as well as oil and gas accident and contamination claims. He also has a great deal of experience representing individuals on a wide variety of personal matters including estate planning, personal injury claims, contract negotiations, copyright issues, and general legal matters. All told, he has tried an estimated 150 cases to judgment, acting as sole or lead counsel in the vast majority of them. He has also devoted time in his legal career to pro bono work, including preparing wills for the elderly and working with adjudicated juveniles.

He is a member of the Louisiana State Bar, the American Bar Association, and the Shreveport Bar Association.

I am confident that Mr. Hicks's extensive litigation experience will make him an excellent addition to the Federal bench.

Mr. LEAHY. Mr. President, the Senate has confirmed the nomination of Maurice Hicks to be a United States District Court Judge for the Western District of Louisiana. Maurice Hicks has spent 25 years as a litigator in Shreveport, LA, where he has appeared frequently in State and Federal courts. He comes to us with the support of his home State Senators. Mr. Hicks is the seventh nominee of President Bush to be confirmed to the Federal courts in Louisiana. Just this year, the Senate already confirmed Dee Drell and Patricia Minaldi to the United States District Court for the Western District of Louisiana. With these confirmations, there are no longer any current vacancies in the Federal courts in Louisiana.

Under my chairmanship last Congress, the Senate Judiciary Committee held the first hearing for a Fifth Circuit nominee in 7 years. Judge Edith Brown Clement of Louisiana was promptly given a hearing in October 2001 and confirmed in November 2001, despite the fact that three of President Clinton's Fifth Circuit nominees never received a hearing, including H. Alston Johnson of Louisiana. The Democrats turned the other cheek on past obstruction by the Republicans in order to move forward. In fact, with Democratic support, the Senate recently confirmed another nominee to the Fifth Circuit Court of Appeals, Judge Edward Prado, despite the fact that President Clinton's Hispanic nominees to that court, Enrique Moreno and Jorge Rangel, never received a hearing or a vote.

With the confirmation of Mr. Hicks, the Senate will have confirmed 25 of President Bush's judicial nominees so

far this year and 125 overall. So far this year we have confirmed more judicial nominees of President Bush than the Republican majority was willing to confirm in the entire 1996 session when President Clinton was in the White House. That entire year only 17 judges were confirmed all year and that included none to the circuit courts, not one. In contrast, already this session, 5 circuit court nominees, including several highly controversial nominees, have been confirmed among the 25 judges the Senate has approved to date. Those confirmations—including two that had more negative votes than the required number to be filibustered but who were not filibustered never get acknowledged in partisan Republican talking points.

We are also almost 6 months ahead of the pace the Republican majority set in 1999 when it considered President Clinton's judicial nominees. It was not until October that the Senate confirmed as many as 25 judicial nominees in 1999.

In the 17 months when I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. We were able to do so despite the White House's refusal to work with Democrats on circuit court vacancies and many district court vacancies.

With Mr. Hicks' confirmation, the Senate will have succeeded in reducing the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies that I inherited in the summer of 2001 have been more than cut in half. In the 17 months that I chaired the Judiciary Committee we not only kept up with attrition, but reduced those vacancies from 110 to 60 and with Mr. Hicks's confirmation we will only have 46 vacancies for the entire Federal judiciary. I congratulate Mr. Hicks and his family on his confirmation.

Republican talking points will likely focus on the impasse on 2 of the most extreme of the President's nominations rather than the 125 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing and their own delays in considering some of this President's judicial nominees.

I continue to be disappointed that the Republican leadership has not found time to proceed to the nomination of Judge Consuelo Callahan to the United States Court of Appeals for the Ninth Circuit. This is another of the judicial nominees that Senate Democrats has strongly supported and whose consideration we had expedited through the Judiciary Committee weeks ago.

Just as Senate Democrats cleared the nomination of Judge Edward Prado to the United States Court of Appeals for

the Fifth Circuit without delay, so, too, the nomination of Judge Callahan, another Hispanic nominee to another circuit court, was cleared on the Democratic side. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators had indicated that they are prepared to proceed to this nomination and, after a reasonable period of debate, vote on the nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is that effort, that fairness and the progress we have been able to achieve without much help from the other side or the administration. Judge Callahan's nomination has been delayed on the Senate Executive Calendar unnecessarily in my view. It is time to act on this nomination and make progress.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

The PRESIDING OFFICER (Mr. CHAMBLISS). The Democratic leader.

AMENDMENT NO. 689

Mr. DASCHLE. I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 689.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program)

On page 157, strike line 8 and all that follows through "time of war," on line 14, and insert the following:

"(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty,

On page 157, line 19, strike "(2)" and insert the following:

“(2) The screening and care authorized under paragraph (1) shall include screening and care under TRICARE, pursuant to eligibility under paragraph (3), and continuation of care benefits under paragraph (4).

“(3)(A) Members of the Selected Reserve of the Ready Reserve and members of the Individual Ready Reserve described in section 10144(b) of this title are eligible, subject to subparagraph (I), to enroll in TRICARE.

“(B) A member eligible under subparagraph (A) may enroll for either of the following types of coverage:

“(i) Self alone coverage.

“(ii) Self and family coverage.

“(C) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

“(D) The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subparagraph (A) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

“(E) A member and the dependents of a member enrolled in the TRICARE program under this paragraph shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively. Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

“(F)(i) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this paragraph. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

“(ii) The monthly amount of the premium in effect for a month for a type of coverage under this paragraph shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

“(iii) The premiums payable by a member under this subparagraph may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

“(iv) Amounts collected as premiums under this subparagraph shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

“(G) A person who receives health care pursuant to an enrollment in a TRICARE program option under this paragraph, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

“(H) A member enrolled in the TRICARE program under this paragraph may terminate the enrollment only during an open enrollment period provided under subparagraph (D), except as provided in subparagraph (I). An enrollment of a member for self alone or for self and family under this paragraph shall terminate on the first day of the first

month beginning after the date on which the member ceases to be eligible under subparagraph (A). The enrollment of a member under this paragraph may be terminated on the basis of failure to pay the premium charged the member under this paragraph.

“(I) A member may not enroll in the TRICARE program under this paragraph while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section. A member who enrolls in the TRICARE program under this paragraph within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

“(J) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this paragraph.

“(4)(A) The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subparagraph (J).

“(B) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subparagraph (A) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

“(C) For the purposes of this paragraph, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

“(i) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

“(ii) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

“(iii) the coverage has not lapsed.

“(D) The applicable premium payable under this paragraph for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

“(E) The total amount that may be paid for the applicable premium of a health benefits plan for a member under this paragraph in a fiscal year may not exceed the amount determined by multiplying—

“(i) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

“(ii) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

“(F) The benefits coverage continuation period under this paragraph for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

“(i) begins on the date of the call or order; and

“(ii) ends on the earlier of the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section, or the date on which the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member.

“(G) Notwithstanding any other provision of law—

“(i) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this paragraph shall be deemed to be equal to the benefits coverage continuation period for such member under this paragraph; and

“(ii) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

“(H) A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this paragraph is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

“(I) A member who makes an election under subparagraph (A) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

“(J) The Secretary of Defense shall prescribe regulations for carrying out this paragraph. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.

“(5) For the purposes of this section, all members of the Ready Reserve who are to be called or ordered to active duty include all members of the Ready Reserve.

“(6) The Secretary concerned shall promptly notify all members of the Ready Reserve that they are eligible for screening and care under this section.

Mr. DASCHLE. Mr. President, this amendment would strengthen our National Guard, our Reserve force, and our Nation by offering these troops the option to receive year-round health coverage through TRICARE, the military health program. If approved, this would be the first fundamental change in Guard and Reserve benefits since the end of the Cold War.

This amendment not only honors the sacrifices that our Guard and Reserve troops have been making on our behalf for decades, but also recognizes that there has been a fundamental expansion in recent years in their roles and missions.

Since the fall of the Soviet Union, the military has increasingly relied on the skill and sacrifice of America's Reservists. When I go home to South Dakota and talk to the citizens of my State, I see and hear first-hand the impact this increasing reliance has on communities all across my State. Nearly 2,000 South Dakotan Guard and Reservists are currently on active duty serving their Nation. In addition to performing their traditional combat roles, Guard and Reserve personnel have assumed a larger share of the peacekeeping role in hot spots all around the world.

Since September 11, Guard and Reserve members have assisted in homeland security, including protecting our airports, and have provided force protection at bases at home and abroad. According to a recent GAO study, Guard and Reservist mobilizations increased by 700 percent in the aftermath

of the attacks on the Pentagon and World Trade Center.

So more frequently and for longer periods of time, Guard and Reserve personnel from South Dakota and all over the Nation have answered their Nation's call to duty, leaving behind their families, their jobs, and their communities.

While the demands we place on Reservists have grown markedly, the Federal Government's commitment to this dedicated group of men and women has not kept pace. As a result, leaders of the National Guard and Reserves are finding it increasingly difficult to recruit and retain top-notch individuals. Guard leaders tell me that offering health coverage would be the single most powerful tool we could give them to help with recruiting and retention.

This proposal offers a moderate, targeted, affordable proposal that deserves the bipartisan support of the Senate.

This amendment is the result of 2 years of work by myself and a bipartisan group of my colleagues from the Senate Guard Caucus. In 2001, we introduced S. 1119, calling for research into problems surrounding health coverage for the Guard and Reserve. For 2 years, we have been holding regular meetings with leaders from the guard and reserve community and soliciting grassroots input. We have made some modifications to reflect the experiences of reservists mobilized after September 11 and problems encountered by others mobilized for service in Bosnia and Iraq. Last fall, we received a helpful study on the issue from the General Accounting Office.

Incorporating the lessons from that report, last month we were able to introduce S. 852, the National Guard and Reserve Comprehensive Health Benefits Act of 2003, on which this amendment is based.

This amendment offers Reserve and National Guard members and their families the opportunity to participate in the same TRICARE program available to active duty service members and their families.

Reservists and their families will share the cost of premium payments with the Department of Defense, with the same cost distribution as used in the Federal Employees Health Benefit Plan.

The National Guard Association of the United States reports that the average cost of a family health care plan through a civilian HMO is \$7,541 per year.

In contrast, the Guard Association estimates that the TRICARE cost per family is only \$5,173 per year, even without government sharing any of the cost.

With government cost-sharing, this will be an attractively priced option for securing health coverage.

Beyond recruitment and retention, this program will improve readiness. More than 20 percent of the Ready Reserve—and as much as 40 percent of young enlisted personnel—do not currently have health insurance.

Providing access to quality health care during all phases of service can drastically reduce the chances that a unit is unable to deploy due to medical reasons.

Maintaining a healthy force is absolutely essential to maintaining a prepared force.

Our legislation will also address another problem that invariably occurs during mobilization.

When a reservist is called to active duty, he or she must leave their private-sector health plan and enter a wholly new plan, TRICARE. In March, I worked with the Secretary of Defense to end a nationwide problem among families of mobilized reservists. Simply put, they were being forced, unfairly and improperly, to join a more expensive TRICARE plan.

We did solve that problem, but many families spent weeks without knowing whether they should try to extend their private coverage or whether they could afford TRICARE. That is simply unacceptable.

At a time when a reservist is preparing for deployment to a war zone, the last thing he or she should have to worry about is health benefits.

This amendment is an affordable way to honor the commitment of our guard and reserve members. The bill before us provides the Defense Department with more than \$400 billion in FY2004.

According to the Congressional Budget Office, my amendment costs about \$300 million in that same period. For 7 months of a percent of the Pentagon budget, we can guarantee that all reservists have access to health care—either through civilian employers or TRICARE. We can ensure that this force is ready to fight at a moment's notice.

We can improve the readiness of the current reserve force and improve our ability to recruit and retain the best and brightest men and women for the National Guard and Reserves.

The high rate of reservist mobilizations will most likely continue. Indeed, with ongoing needs in Iraq and the upsurge in homeland defense activities, reservists will probably continue to be mobilized at record levels.

By providing access to quality, affordable health care for reservists and their families, this legislation will ensure that when we need them, they will be there, healthy and ready to go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask our distinguished colleague, the distinguished leader on the other side of the aisle, the cost implications.

Mr. DASCHLE. As I noted in my opening comments, the cost implications are very minimal given the extraordinary opportunities it presents for all of our Guard and Reserve personnel. The estimated cost for the first year is \$300 million—.7 of a percent of the entire defense budget.

Mr. WARNER. I say to my distinguished friend and colleague, there are

a number of provisions that will be addressed as we proceed to this bill to try to improve the compensation benefits for the Reserve and Guard. I generally recognize the need to do so, but I must say to my good friend, the regulars are beginning to say, well, what is the distinction between a Regular and a Guard and Reserves man? A Regular, the clearest distinction is he or she is subject to 365 days of service to country and probably moving from base to base every third year. Also, they do not have the benefit of both Reserve and Guard pay.

As someone said, and I hope the distinguished leader will not take this the wrong way, maybe everybody will leave the Regular Forces and join the Guard and Reserve because there is a little more flexibility and a little more pay and benefits.

We have to watch as we move along in this direction to not get out of balance what has been in balance for many years. I recognize that the Guard and Reserve are pulling heavily on the oars these days and they have the inconvenience of being called up at times as they have experienced in Afghanistan and the Iraqi operations and having to leave their families rather abruptly and depart their businesses, employers confronted with getting replacements in some instances but allowing them to return to their positions, which I think is the proper thing to do. We have not had any hearings. We do not know what the ramifications are.

I say to my distinguished colleague, at the moment I will have to indicate my intention to oppose.

Mr. DASCHLE. Mr. President, if I could respond briefly, first of all, I compliment the distinguished chair and ranking member for their work, once again, in producing a bill that passed out of committee, as I understand it, unanimously. That is a real tribute to their leadership and to the willingness that they continue to demonstrate to work in such a bipartisan and constructive manner in committee. That is laudable. I congratulate the chair and ranking member for their ability to do it consistently—not just on this occasion.

First, I recognize, as the distinguished chair has noted, we have to be appreciative of our active-duty personnel. They make a commitment second to none. We saw yet again a demonstration of that commitment in the battle in Iraq.

I don't know that an issue has been studied as much as this issue over the course of the last couple of years. I am happy to share the findings of many of the studies that have been done. One study that attracted me in particular was a study done by the General Accounting Office.

I ask unanimous consent the summary of the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

Reserve components participate in military conflicts and peacekeeping missions in areas such as Bosnia, Kosovo, and southwest Asia, and assist in homeland security. From fiscal year 1996 through fiscal year 2001, an average of about 11,000, or 1 percent, of the roughly 900,000 reservists were mobilized each year. The length of mobilizations can be as long as 2 years with the mean length of mobilizations for the 6-year period we reviewed being 117 days. As of April 2002, about 80,000, or 8 percent, of reservists had been mobilized for 1 year for operations related to September 11, 2001. At the same time, additional reserve personnel continued to be deployed throughout the world on various peacekeeping and humanitarian missions. . . .

Overall, the percentage of reservists with health care coverage when they are not mobilized is similar to that found in the general population—and, like the general population, most reservists have coverage through their employers. According to DOD's 2000 Survey of Reserve Component Personnel, nearly 80 percent of reservists reported having health care coverage. In the general population, 81 percent of 18 to 65 year olds have health care coverage. Officers and senior enlisted personnel were more likely than junior enlisted personnel to have coverage. Only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage—lower than the similarly aged group in the general population. Of reservists with dependents, about 86 percent reported having coverage. Of reservists without dependents, about 63 percent reported having coverage.

Mr. DASCHLE. The GAO noted since the attack on the World Trade Center—

Mr. WARNER. Could you give the date of the publication?

Mr. DASCHLE. The date was September of 2002, just in the last 6 months.

The GAO study noted that since the attacks on the Pentagon and the World Trade Center, utilization, mobilization of the Guard and Reserve has gone up 700 percent. We are not only seeing an increase in integration with Active-Duty Forces, but we are seeing a remarkable, continued mobilization of the Guard and Reserve for other roles having to do with the war on terror.

As these continued mobilizations arise, the disruption, the extraordinary pressures and demands put on the Guard and Reserve almost require that we look upon them as active-duty personnel because they play far more an active-duty role.

As I talk to the Guard and Reserve and the recruiters, it it has become increasingly clear that is one reason recruitment and retention has become much more of a challenge. We have done very well in South Dakota. We are at 106 percent, but that is not without a great deal of effort. We cannot say that nationally.

The fundamental question is, Do we owe them the right—not for additional compensation, no to be treated like Regulars—the right to buy health insurance so they have the coverage for their families and themselves both in war and in peace.

Why is it appropriate to buy coverage for war but not appropriate to buy cov-

erage for peace when they are purchasing it themselves? I don't know that it takes more study. I don't know that it takes any more analysis. You see the mobilization. You see the need. You see what I consider to be the disparity that exists today and what I would consider to be a certain extent an unfairness. I don't know that one has to go beyond that.

So I hope the distinguished chairman, the manager of the bill, might reconsider prior to the time we vote. But I will respect his point of view regardless of what ultimately he decides.

Mr. WARNER. If I could ask a further question?

I should examine this report. It is timely. But I am advised there is a provision in the report indicating that 80 percent to 90 percent of the Guard and Reserve have private sector health insurance. Are you familiar with that?

Mr. DASCHLE. Mr. President, I would say, if I recall what the report says, it is 80 percent or 90 percent of the Guard and Reserve who have coverage at some time during the year. We have as high as 30 percent of our recruits in the National Guard in South Dakota who do not have health insurance because younger people, younger personnel, oftentimes are not in a position to buy it. It is younger personnel who are currently the subject of recruitment and retention.

There is a great need out there. As I say, there are a large number, there is a significant percentage who are vastly underinsured, if you read further in the report.

I urge my colleague to take a good look at the report before he comes to any conclusions about the need.

Mr. WARNER. Mr. President, I will do that. I value the wisdom and initiative of our distinguished leader. So I will do that.

Mr. DASCHLE. If I could add one other—I apologize to the Senator from Vermont—I will just read from page 8 of the report.

Officers and enlisted personnel are more likely than junior personnel to have coverage. Only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage.

That means 40 percent of the junior personnel had no coverage at all.

Of reservists and dependents, about 86 percent reported having coverage, but of reservists without dependents, only 63 percent reported having coverage. Again, about 40 percent have no coverage whatsoever.

Again, this becomes a recruiting, a retention, and, I believe, a fairness question that I hope this Senate will address this year with this bill.

Mr. WARNER. Mr. President, I thank our colleague.

I would just ask I be able to consult with the majority leader as to the time at which this vote should take place. He, of course, will consult with you. I thank the Chair.

Mr. LEAHY. Mr. President, if I might interject for a moment?

The distinguished chairman knows the great respect I have for what I

many times refer to as my Senator away from home because I spend part of the week—seems to be the longer part of the week, with the hours we have been putting in around here lately—in Northern Virginia. Of course my dear friend, the senior Senator from North Dakota, knows my respect for him.

I think this is a good amendment. Senator DEWINE of Ohio has taken a very active role in this, too. I hope the distinguished chairman would hold off making a snap judgment. I know he doesn't do that, in any event. But think about what the distinguished Senator from South Dakota has said.

The Senator from Ohio and I will speak on this matter at another time rather than hold the floor to do it. But there are a number—and the numbers are rather shocking—of those who are without health insurance, especially in the enlisted area. You have, so many times, this hiatus. They are leaving their job, getting called up, and being without it. It leaves families in this limbo.

I would rather, if they were being called up, they be concentrating on what they are going to be doing, not on whether they are covered by health care insurance. This is a matter we have raised with the health care committee.

I am a cochair of the National Guard caucus. We raised it within our caucus. We heard from Guard units all over the country of their needs. As the distinguished Democratic leader has said on the floor today, this is a case where we are asking they have the ability to pay into this and do this. So I hope maybe during the evening, before we come back in tomorrow, everybody might be able to look at it.

I know the distinguished Senator from Ohio, Mr. DEWINE, will also want to be speaking on it. I will withhold my further comments. There are Senators on the floor waiting to speak on this bill.

I totally concur with the distinguished Democratic leader on what he has said. His experiences with the brave men and women in South Dakota are very similar to what I hear in Vermont. I suspect most States are hearing it also from their Guard. So maybe we will keep our powder dry until tomorrow. We will get some of these facts and figures and see where they go.

Mr. WARNER. Mr. President, I thank our colleague for his kind remarks.

Mr. LEVIN. If the Senator will yield for a minute?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I point out one other fact for the consideration of my good friend, the chairman. The chairman, of course, makes an important point about the fact there is a distinction between Active Duty and Reserve and there are certain benefits that people in Active Duty have which make it a little more attractive, perhaps, than it

otherwise might be in comparison to being in the Reserves.

There is a distinction in this amendment, as I read it, which requires the reservists while not on active duty to pay the premium. It is 28 percent of the total amount determined by the Secretary. That is a distinction between Active Duty and Reserve, where the active-duty personnel, of course, do not have to pay their own share; whereas, under the amendment offered by Senator DASCHLE, the reservists while not on active duty would have to pay, as I understand it, the share of about 28 percent.

That does retain that important distinction, while it does clearly confer a benefit, which is an important benefit because of all the reservists we have who simply do not have health insurance. We want them to be in a healthy state if and when they are called up—and we ought to want them in a healthy state even if they are never called up—but surely if they are called up it is important they be in good health.

Having access here to what is equal to what Federal employees have, that is what the Senator from South Dakota and the cosponsors are attempting to do, to give reservists the same kind of health care Federal employees have. That includes paying their own part of the premium but again having access to health insurance, which is so important for us to have a healthy Reserve Corps.

Mr. WARNER. Mr. President, I will be in a better position tomorrow to reply to our distinguished colleagues. We have some material coming over from the Department of Defense. It has not been authenticated with a signature yet. Until such time as it is authenticated as accurate, in fact, this Senator is reluctant to draw any conclusions with respect to points about which he would be comfortable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent a few remarks I make be as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HATCH are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair.

Mr. President, I rise to express my support for the Defense authorization bill that we are debating today and for the remainder of this week.

I first want to thank the chairman and the ranking member for their courtesy, for their thoughtfulness, and for their collegiality in the conduct of the committee in the preparation of this bill. They are two Senators I respect and admire greatly. I thank them for their help and participation.

This is, overall, a very good bill that meets the needs of our fighting men and women. I have some reservations

which I will talk about tonight, and during the course of the week I will suggest some improvements in the bill. But overall, this represents a thorough and consistent and appropriate discharge of our responsibility to ensure that the men and women of our Armed Forces are the best prepared and best cared for in the world.

Let me also say this year I had the privilege and the opportunity to serve as the ranking member of the Emerging Threat and Capability Subcommittee. I had the pleasure of working with Senator PAT ROBERTS of Kansas. I also want to thank Senator ROBERTS for his courtesy and thoughtfulness and for his collegiality. He created a cooperative spirit on the committee which resulted in legislation that is both thoughtful and which I think is a vast improvement for the men and women of our military services.

The package supported and presented by the subcommittee dealt with a range of subjects. The subcommittee itself was created 4 years ago to deal with new emerging threats and our response to these threats. The subcommittee looked at issues such as the proliferation of weapons of mass destruction, terrorism, and information warfare, and it also focused on ways in which we can respond to these threats.

One of the areas, for example, is the Defense Science and Technology Program—providing the research and the analysis that makes our forces the most technologically advanced in the world.

Another area we are concerned about is the Cooperative Threat Reduction Program. There is a rather simple and obvious point: If we can reduce the threats, that is a better way than to respond to those threats if they are poised against us.

We are also concerned about our special operations forces. I think we have all seen in the past few months how effective and how important these forces are. They really are the tip of the spear when it comes to our efforts on the war on terrorism.

Needless to say, the Emerging Threats Subcommittee is obviously involved in many issues that are of critical importance today.

Let me speak just briefly about some of the issues as we approach the committee markup.

Science and technology is a critical component of our warfighting capability. This was brought home to me graphically in August of 2001. About 20-plus years ago, I commanded an infantry company—a parachute company—of the 82nd Airborne Division. And in August of 2001, I went back to Fort Bragg to watch a live fire demonstration by a division of the 82nd Airborne Division. I was, of course, very pleased with the toughness and skills of the paratroopers. But I was also impressed with the technology. Each soldier had a night vision device, and each soldier had a laser-aiming device on their weapon. Twenty-five years ago, there

was one star-light scope for the whole platoon. It was a big, bulky device which we carried around and used sparingly. There was no laser-aiming device on their weapons.

These are graphic examples of the impact of science and technology on our ability to fight. They have made our soldiers, marines, and airmen the most formidable in the world because when we couple this technology with their skills and spirit and their courage, they are unstoppable.

I am pleased this bill includes provisions that strengthen the coordination between the Science and Technology Program. We really want to ensure that we get the maximum value from our technological investment.

I am also very pleased the bill includes Senator LIEBERMAN's legislation which will increase research on technologies to help improve communications and networking and to help address our bandwidth crisis in the field.

Again, 25 years ago when I commanded troops, bandwidth was a concept which no one talked about. Today, it is an item that is critical to the success of any military force.

When members of the committee go out—as I know my colleagues do—and visit troops and talk to commanding officers, one of their consistent complaints is, We just do not have enough bandwidth. We don't have enough space on the spectrum to push out all the digital information we have to all of our warfighters instantaneously.

So I think Senator LIEBERMAN's proposal will give us an added impetus to examine these issues of bandwidth and conductivity. It is literally the electronic backbone of our military forces. There are some issues of concern which I have with respect to science and technology. All of our experts looking at the appropriate level of funding for science and technology suggest that we should be investing about 3 percent of the defense budget in those programs. Secretary Rumsfeld has said the Quadrennial Defense Review made that point, and the Defense Science Board has endorsed this laudable goal of 3 percent expenditure on science and technology. However, last year the final defense budget did not reach 3 percent, and this year the President's request was \$1 billion below last year's vital defense budget.

While I am pleased to note that this bill adds nearly \$500 million to the Defense Science and Technology Program and supports significant investments in university research, advanced research to support special operations, and advanced undersea warfare technologies, the funding levels fall short of this 3 percent.

I think we have to maintain robust investment in our science and technology. We tried to close the gap, but there is still a gap. I hope in the next reauthorization—indeed in the conference—we can try to close this gap.

In the area of nonproliferation programs, we all understand that weapons

of mass destruction is one of the key threats, particularly if they get into the hands of terrorists. One of the most cost-effective ways to deal with this issue of nonproliferation is to support the Threat Reduction Program. I am pleased to report again that this bill authorizes full funding of these threat reduction and nonproliferation programs, including the Nunn-Lugar program.

This full funding is critical if we are going to eliminate the proliferation threat and if we are going to lower the danger that these materials pose to us, particularly if they get into the hands of terrorists.

Also, the bill includes authority to use Cooperative Threat Reduction Program funds outside the former Soviet Union under appropriate circumstances, as requested by the President.

Again, I think we have to recognize there are many places in the world, regrettably, where material could fall into the wrong hands. This gives the President authority for a much wider geographic approach on proliferation.

One of the problems we particularly worry about is the presence of a vast stockpile of lethal, chemical weapons—some of them small enough to fit into a briefcase—in Russia. This is the residue of years and years of Soviet research.

Under the Nunn-Lugar program, we have a project to destroy all those weapons so they cannot be used and do not fall into the hands of terrorists. There is a set of conditions that requires a Presidential certification before the money can be spent, but this bill provides the President a 1-year waiver of the certification so funds can be used to destroy these chemical weapons. Again, I thank Chairman ROBERTS, particularly, for his consideration of this request and for his willingness to provide this 1-year waiver.

As I said before, our special operations community each day demonstrates their incredible value in our war against terrorism. In recognition of the expanded role of the special operations forces, the Secretary of Defense has declared that rather than simply being a supporting command, special operations would be a command in itself.

Let me try to parse that. Before special operations command supported the CINCs, CENTCOM, SOUTHCOM. Today, they not only support these CINCs, but they are their own command in and of themselves with new responsibilities.

I applaud this decision, but I believe Congress should have a better appreciation of the new role that special operations command is taking on. Therefore, the committee included, at my suggestion, a recommendation so the Secretary of Defense can report to us information regarding this new role.

The information would include items such as the military strategy for utilizing special operations troops to fight the global war on terrorism and how

the proposal contributes to the overall national security strategy with regard to the war on terrorism; the scope of the authorities granted to the commander of the special operations command by the Secretary of Defense; the operational and legal parameters within which special operations forces will exercise these authorities; the impact on existing special operations missions; the decisionmaking mechanisms, to include consultation with Congress, that will be involved in authorizing, planning, and conducting these operations; and future organizational and resource requirements for conducting the global counterterrorism mission.

I believe the answers to these questions will help us frame our oversight responsibility, and I also think it will help provide the details for the special operations commander and the Department of Defense in relation to their responsibilities and their missions in this new responsibility they have been given.

These are just some of the highlights with respect to the Emerging Threats and Capabilities Subcommittee. I want my colleagues to know of these threats. There are other issues I would like to comment upon in addition to those related to my responsibilities on the subcommittee.

There was, in the committee, a proposal to, in my view, change the McKinney-Vento Homeless Assistance Act. I thank my colleagues because, through collaboration with Senators ENSIGN, ALLEN, and others, we were able to do what I think the committee wanted to do: to provide the opportunity to temporarily suspend these regulations if property is needed by a State for emergency purposes but not to undermine completely and irrevocably the responsibility we have to provide suitable excess Government facilities for homeless purposes. I am very pleased and proud the committee was so responsive and so cooperative in that regard.

I also included in the bill an amendment which again was adopted unanimously—I thank my colleagues—that would direct the Secretary of Defense to provide guidelines to the Defense Policy Board. This is an advisory committee consisting of distinguished Americans who provide advice and insight, without compensation, to the Secretary of Defense. It is a very important board but recently it has come under some criticism.

I think in order to dispel that criticism but also to convince and assure the public that access to information and access to key decisionmakers is not being used for profit-making purposes but solely is an exercise in the patriotism of the individual members of the board, I ask that the Secretary of Defense provide guidelines. I hope these guidelines are forthcoming. I think they will be useful. I am pleased they are now included within the bill.

Let me turn to several other topics quickly because I see my colleagues are also in the Chamber to speak.

Within the context of missile defense is an area of the bill that I have some grave reservations. We have decided to pursue missile defense. The President has made the decision, and it is his prerogative to do so, to withdraw from the ABM Treaty. The question before us today is, will we do this in a logical, thorough, systematic way? Will we do it in a way in which we can assure the American public we are proceeding with all deliberate speed but also in a way that we can justify a product that eventually will be useful to national defense? These are the basic issues that come before us today.

The President has announced, however, that he intends to field a national missile defense system by September 2004, despite the fact the Pentagon's Director of Operational Test and Evaluation concluded, in his fiscal year 2002 annual report, that the system "has yet to demonstrate significant operational capability." So the plan, in effect, is to field the system before we even know if it will work.

I think that raises grave questions about the usefulness of such a system and grave questions about the level of funding that is going to support a system if we are not ready to declare it operationally useful yet we are ready to declare it will be deployed.

We also understand after 9/11 there are other ways to attack the homeland of the United States and that it is not just through the use of long-range missiles. We have to, in our debate and our discussions and our decisions, be very careful with resources that could be spent in other ways to protect our country and our homeland, particularly.

One of the other aspects of the system that is proposed for deployment is that the decision has been made to field this system without a radar capable of distinguishing between a warhead and a decoy. The radar is a key aspect of any missile defense system.

Indeed, the Clinton administration was criticized very harshly for their national Missile Defense Program, yet this administration has decided to deploy a system that appears, at least on the surface, to be far less capable than the one proposed by President Clinton, particularly when it comes to the radar architecture.

Another issue, with respect to missile defense, is the decision to significantly reduce the number of tests. Ironically, it seems that one of the by-products of the President's decision to rapidly field a national missile defense is a concomitant reduction in the amount of testing. It seems to me that is sort of doing things exactly the wrong way; that if you are going to accelerate deployment, you would accelerate testing also.

I believe if we are going to have confidence in a system that we field, we have to make the investment in testing now, and not just simply reply upon our faith in technology that has not yet been adequately tested.

Originally, 20 national missile defense tests had been scheduled to occur between mid-2002 and 2007, but after the President's deployment decision, 9 of these 20 tests were canceled without explanation. Furthermore, the scheduled date to complete this new, very minimal test plan is now 2009 instead of 2007. That is 5 years after the advertised deployment of this system in 2004.

We have to recognize this Missile Defense Program is the largest single acquisition program in the Department of Defense, with a budget request of more than \$9 billion in fiscal year 2004 alone.

For perspective, this funding could buy 9 DDG-51-class destroyers, 45 F-22 Raptor fighter aircraft, or more than 2,800 Stryker armored vehicles. So the decisions we make are not without cost, not without opportunity costs.

The investment we make in missiles means, quite literally, we cannot buy new destroyers; today we cannot buy more F-22 Raptor fighter aircraft; we cannot buy more Stryker armored vehicles. So again, I think we have to look very carefully at the deployment, at the testing.

I think we are all committed to the notion of someday putting in place a missile defense system that will effectively defend the United States, but we cannot do it hastily, and we cannot do it simply on a wish that it works. I believe we have to prove it works before we deploy it or simply declare it is deployed.

Over the last several years, we have tried to put some structure, if you will, in the Missile Defense Program. For example, at the beginning of fiscal year 2002, Congress required that the Bush administration establish cost, schedule, testing, and performance goals for missile defense, and we directed the General Accounting Office to review whether progress was being made toward these established goals.

By the end of 2002, the Bush administration had still not established any meaningful goals for missile defense. Consequently, in November 2002, the Director of Acquisition and Sourcing Management at the GAO wrote to the committee to say that since no goals had been established, GAO could not complete its review.

I think, at a minimum, there should be costs, there should be schedules, there should be goals, certainly at a level so the GAO can at least offer a preliminary assessment of whether these goals are being achieved or what effort must be expended to achieve these goals. That is something that has not been done.

I support prudent research and development and testing on national missile defense, but I think ultimately we all want to assure the American people that when we put something in the field, it will work, and that we know precisely what it will do when it is in the field. I don't think that is too much to ask the administration.

Finally, let me cover a topic that will receive a great deal of attention

over the next couple days. That is the issue of nuclear policy. I have grave concerns over some of the provisions in the bill. Under the guise of maintaining flexibility and keeping all options open, this bill approves and encourages the administration to continue its push to develop, test, deploy, and possibly use nuclear weapons. I heard my colleague Senator LEVIN earlier today referencing the quote by former Ambassador Brooks, the head of NSSA, who said his bias is to something that can be used. For many decades, our bias was against even thinking about the use of nuclear weapons if we could avoid it.

One of the consequences of the proposal for a low-yield nuclear weapon, for a robust nuclear earth penetrator is, if not a fact, an observation that as you make weapons such that their collateral damage is minimal, there is a tendency to use them. We have to ask ourselves in our recent conflict in Baghdad, would we have dropped dumb bombs in the middle of crowded neighborhoods in an attempt to attack the leadership of Iraq? It would have been a much harder call. But because we had precision weapons with low collateral damage, as a result the call was much easier—a tough call, nevertheless, but easier.

I fear that as we move down this path for low-yield nuclear weapons, more usable nuclear weapons, the threshold, the inhibition against use will come down also. This is just not another tool in our tool kit. Nuclear weapons have been, since Hiroshima and Nagasaki, a weapon every nation has tried to avoid using in combat. I hope we can continue that effort, but I fear the language, the momentum, the incentives that have created these exceptions in the bill are driving us down the wrong path.

We should respond by amending the legislation to reflect the continuing desire to put nuclear weapons outside of use, to delegitimize their use in conflict. We will have opportunity over the next several days to debate in much more detail the issue of nuclear weapons, the issue of missile defense.

I believe this legislation overall is sound. If we could make successful amendments to some of the provisions with respect to missile defense and particularly the provisions with respect to nuclear weapons, we can send to conference a bill of which we will all be very proud. I hope in the next few days we can do that.

I thank the chairman and ranking member for their thoughtful approach and for their continued efforts over the next few days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the very valued member of the committee, a graduate of West Point, served on active duty. I am not sure I would want to be in that company you commanded; pretty rough character. You are too modest.

You referenced the \$500 million added to this bill for S&T, and it sort of came out of the subcommittee. You and Senator ROBERTS deserve a lot of credit for that. That is money well invested.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEVIN. I wonder if I could ask the Senator to yield for 30 seconds so I could add my thanks to the Senator from Rhode Island for his indispensable contribution to the Armed Services Committee. He mentioned a few issues where he had some very strong feelings. These issues are just a few of the many where he has made an extraordinary contribution by experience and by intellect. He is really in a position to add immeasurably to the work of our committee. We are all very much in his debt for it.

Mr. NELSON of Nebraska. Mr. President, I rise today to express my support for the Department of Defense Authorization Act for fiscal year 2004. I particularly thank Chairman WARNER and ranking member Senator LEVIN for the extraordinary job they do each and every day to ensure our national security priorities are adequately addressed. I also thank them both for continuing to work in a bipartisan way to ensure that decisions are made in the best interests of the country.

As the new ranking member for the Personnel Subcommittee, I have enjoyed working with the subcommittee chairman, Senator CHAMBLISS. I hope the President will take note of the complimentary remarks I am going to make about the chairman. I congratulate him for the outstanding leadership of this subcommittee. Together we have kept our focus on doing what we can to improve the quality of life of our service members, Active and Reserve, their families, our retirees, and civilian employees. I particularly appreciate his personal attention and cooperation with me.

I am particularly pleased about several provisions in the subcommittee mark that reflect our appreciation for the sacrifices of our service members and our desire to see they are adequately compensated when placed in harm's way. These include a minimum pay raise of 3.7 percent especially for the junior service members who have received less under the administration's proposal; a change in the high PERSTEMPO allowance that will actually put money in the pockets of our service members who deploy frequently; increases in imminent danger pay, family separation allowances and, as Senator COLLINS mentioned, the death gratuity; and authorization for full replacement coverage for lost or damaged household goods.

Our mark also includes provisions that address concerns and needs of our Reserve and National Guard service members who are serving so successfully. These include extending survivor benefit plan annuities to surviving spouses of reservists who died from an injury or illness incurred in the line of

duty during inactive duty training; a requirement for specially trained beneficiary counseling and assistance coordinators to help our National Guard and Reserve members and their families navigate the complex TRICARE health system; medical and dental screening and care for Reserve component members as soon as they are alerted for deployment; and a requirement for the Secretary of Defense to report on the mobilization of the reserves that will give us the data we need to make needed changes in the force mix and use of our Guard and Reserve personnel.

I am also pleased the committee responded to legislation I introduced to provide a special pay incentive for Reservists, National Guard, and Active Duty service members who deploy for long durations. This incentive will help alleviate some of the hardships suffered by military families when their loved ones are called up for lengthy or numerous deployments. With the Armed Forces depending on military reserves for such a large percentage of troops, more and more sailors, soldiers, air personnel, and marines are facing long call-ups that keep them away from their regular employment. These call-ups produce a severe financial hardship for the troops as their normal employment lives and income are disrupted, often for months, and in some cases for up to 2 years.

Finally, I fully endorse the supplemental impact aid contained in our mark. We simply have to ensure the schools that educate our sons and daughters of military personnel have adequate funding to provide for a quality education. Our service members will leave, and we will be unable to recruit if we don't provide this for their families.

I greatly appreciate the bipartisan manner in which the chairman, Senator CHAMBLISS, has chaired the Personnel Subcommittee, and I believe we have worked as a team and with a common goal of improving the lives of our soldiers, sailors, airmen, marines, DOD civilians, retirees, and the families of all these groups. I thank him for his excellent leadership, and also thank his staff, Dick Walsh and Mrs. Lewis, and Mr. Gary Leeling from the Democratic staff.

I again thank Chairman WARNER and Senator LEVIN for their leadership.

I yield the floor.

Mr. WARNER. Mr. President, I thank the Senator for his work on the committee. We value very much his contributions. He is very fair and open-minded in the manner in which he makes decisions.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, it is very appropriate that our Presiding Officer is the chairman of the Personnel Subcommittee. He and Senator BEN NELSON have worked closely together to give us a product of which we can be proud. We are very indebted to the two of you.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 696 TO AMENDMENT NO. 689

Mr. GRAHAM. Mr. President, I have an amendment to the pending amendment, and I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 696 to amendment No. 689.

Mr. GRAHAM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 157, line 8:

In lieu of the matter proposed to be inserted insert the following:

"(f)(1) At any time after the Secretary concerned notifies the commander of a unit of the Selected Reserve of the Ready Reserve that all members of the unit are to be called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) in support of an operation mission or contingency operation during a natural emergency or in time of war. This shall become effective one day after enactment of the bill.

On page 157, line 19 in lieu of the matter to be inserted insert the following:

"(2) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care. This section shall become effective two days after enactment.

SEC. —. EXPANDED ELIGIBILITY OF READY RESERVISTS FOR TRICARE.

(a) ELIGIBILITY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

"§ 1097c. TRICARE program: Reserves not on active duty

"(a) ELIGIBILITY.—A member of the Selected Reserve of the Ready Reserve of the armed forces not otherwise eligible for enrollment in the TRICARE program under this chapter for the same benefits as a member of the armed forces eligible under section 1074(a) of this title may enroll for self or for self and family for the same benefits under this section.

"(b) PREMIUMS.—(1) An enlisted member of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of \$330 for self only coverage and \$560 for self and family coverage for which enrolled under this section.

"(2) An officer of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of \$380 for self only coverage and \$610 for self and family coverage for which enrolled under this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097b the following new item:

"1097c. Section 101 head."

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator ZELL MILLER be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. Mr. President, I compliment Senator

DASCHLE and the folks he worked with to try to come up with the solution to the retention problem we are going to have. It is inevitable because these forces are being utilized at such rates.

Senator DASCHLE put forward an amendment that would basically allow Guard and Reserve personnel the benefit of health care as a condition of membership. I congratulate him for doing that. I have an amendment that has a little bit different approach to it. We have similar cosponsors. The reason I am doing this is to get my amendment out so we can have two looks at the same problem and see if we can address the concerns that are growing in the country regarding the utilization rates of Guard and Reserve personnel.

The comment the chairman had about Senator DASCHLE's amendment he will have about this amendment. We need to look at it. There is no money in the budget resolution for it. But I think what we are trying to do, in a bipartisan fashion, is put on the table for the country to digest, as well as the Senate, House, and Department of Defense, what it is going to be like 10 or 20 years from now if we keep using Guard and Reserve members at the level we are doing it now.

The honest answer is, if you are in the Guard and Reserve, you are going to be called on more and not less because the war on terrorism will go on for a while. It is not anywhere near over. Iraq has a component to it for the Guard and Reserve. People are in Bosnia, and that is a Guard function. This amendment, along with what Senator DASCHLE is trying to do, puts some new programs on the table to make it more attractive to enlist in the Reserve or Guard and to stay.

Senator WARNER's concerns are very legitimate. The force has changed. The utilization rates of Guard and Reserve forces have changed. In the last gulf war, I was serving at MacIntire National Guard base as a staff judge advocate for the base. During that service, it was eye opening for me. When a Guard member is called to active duty, as our units were, half of the people went over to the desert; the other half stayed behind. I stayed behind to provide legal services to the members and their families.

When you are called to active duty, more times than not the pay you receive versus that as a civilian goes down. There are provisions under the Soldiers and Sailors Civil Relief Act to allow renegotiation of interest payments, and to do some short-term things to make the burden of being called to active duty for a Guard or Reserve family a bit easier to bear. But more times than not, there is a dramatic reduction in income for the Guard and Reserve member called to active duty. Sometimes these tours can last a year or more.

What we are trying to do is create a benefit package that is not better than the Active Forces and that complements the Guard and Reserve forces

and provides an incentive that will make it more attractive to stay. If you are a small business owner, as a Guard or Reserve member, sometimes your business suffers greatly. As a lawyer, I was called to active duty for about 100 days, so my partners had to take over my obligations. If I had been a sole practitioner, it would have been tough. But that is what you sign up for—to help your country.

We are suggesting to create a benefit package more like that of the Active Forces, and one that is more user friendly. When a Guard or Reserve member is called to active duty, family counseling is not usually available at those bases. Some are at civilian airports. Military families have counseling available. They have many assets available on Air Force and Army bases that provide support for the families. Literally, the Guard and Reserve families have to make it up as they go.

Our Presiding Officer is a cosponsor of the bill. He has been a great advocate of the Guard and Reserve and Active Forces.

We have to understand this is one big family. The Guard and Reserve component serves in a unique way, but it is vital to the overall mission. What we are trying to do—Senator DASCHLE and myself and others, in a bipartisan fashion—is address the health care problem. Here is what happens. If you are called to active duty and you are in the civilian community, you have one set of doctors and health care network available to you. When you are activated, you have to change systems. So we are trying to create continuity of health care.

My main goal is to allow a Guard or Reserve member to access health care in a fashion that makes health care better for the overall military family unit. This is the difference between our approach and Senator DASCHLE's. His bill has two ways that a Guard or Reserve family can have access to health care. One is that they can sign up for TRICARE at the same participation rate as Federal employees, and that would be \$420 for a single individual, \$1,446 for a Guard or Reserve family.

Our bill allows you to be a member of TRICARE as an active-duty military family, and your premiums would be \$330 for a single enlisted person, \$560 for enlisted families, \$380 for a single officer, \$610 for an officer's family. Basically, we have taken what a military retiree would pay in premiums to be a member of TRICARE and added \$100 in additional costs for an enlisted person, \$150 for an officer. That is still a great deal. It lowers the cost. It is cheaper to the military families in Senator DASCHLE's approach.

The big difference between our amendments is that, under Senator DASCHLE's amendment, the Federal Government—the military could pay a subsidy to the private sector health insurance company covering the military person, the Guard or Reserve person.

My concern with that is the study that we have seen suggests it may be

that up to 90 percent Guard or Reserve people will choose an option where the Government subsidizes health care in the private sector. My goal is to get more people into TRICARE to make it better for the overall military family, and at affordable rates.

It is a distinction that matters somewhat. But the point of both of these amendments is to provide health care to Guard and Reserve families that has a continuity component and that is affordable. We need to address this as a nation because you have given some numbers on the other side about how many Guard or Reserve families don't have health care or adequate health care. Both bills take us in that direction. The key difference is, under my proposal, it would work in a bipartisan fashion with Senator CLINTON and others. A Guard or Reserve family, or military person, would be in the TRICARE system like their active-duty component, giving a boost to TRICARE overall.

I wanted to bring this amendment to the floor. I congratulate Senator DASCHLE and all the Republicans and Democrats, including both of my colleagues from Georgia, Senators MILLER and CHAMBLISS. Senator CLINTON appeared at a news conference when we unveiled the bill. Let me tell you, she has been terrific to work with. We are probably polar opposites in terms of political ideology most times, but to have her join this cause and help push this bill is a testament to the power of this bill and of this issue.

With that said, I offer the amendment. I hope our colleagues will look at what both amendments do. I hope colleagues will look seriously at this body trying to provide, as soon as possible in the future, in a responsible way, health care to the entire military family unit.

That unit does include in a substantial way Guard and Reserve members, and they are part of the military family. We cannot do a mission without the Guard and Reserve. We do not want to have a better benefits package. We want to have an attractive benefits package that will be good for retention and recruitment. That is the spirit in which this amendment is offered.

The chairman's concerns are legitimate. This has been scored at \$1.4 billion a year. Senator DASCHLE's amendment is \$1.2 billion a year, but they are not taking into account that under their proposal, many people would not go into TRICARE but ask for payments for their health care in the private sector.

I appreciate the opportunity to discuss this issue.

Mr. WARNER. Will the Senator yield?

Mr. GRAHAM of South Carolina. Absolutely.

Mr. WARNER. I feel obligated to be consistent, even though there is a very clear difference between Senator GRAHAM's amendment and that of the distinguished Democratic leader. There is no offset; is that my understanding?

Mr. GRAHAM of South Carolina. That is correct. It is not paid for.

Mr. WARNER. The Senator clearly has indicated the first year may be \$400 million to \$500 million.

Mr. GRAHAM of South Carolina. Yes, \$400 million.

Mr. WARNER. Mr. President, in the event this is carried by the Senate, goes to conference and survives, conferees will have to search within the confines of the bill to raise that money. My understanding is it is about \$2 billion in the outyears per year; is that correct?

Mr. GRAHAM of South Carolina. I think it is \$1.4 billion, and Senator DASCHLE's amendment is \$1.2 billion, but the points are well made.

Mr. WARNER. At this time, I have to indicate my opposition. Regrettably, I do that, but I wish to be consistent and fair to all Senators. I am fearful if we do not carefully evaluate the whole panoply of amendments that are likely to come forward to improve the benefits for the Guard and Reserve, we are going to end up with a bill that might go tilt.

I must say, though, I certainly share the Senator's views that the Guard and Reserve have done wonderful service, together with their families. It is exceedingly hard for these families to let their loved ones go on these missions. We shall look at it on the morrow. I thank the Senator for his courtesies.

(Mr. ENSIGN assumed the chair.)

Mr. LEVIN. I wonder if the Senator will yield—we are trying to figure out the numbers on this—just for a question?

Mr. GRAHAM of South Carolina. Yes.

Mr. LEVIN. Perhaps we can get the numbers clarified overnight. Senator DASCHLE's estimate, after the first few years, where, I guess, there is a phase-in of some kind, is \$1.2 billion, as the Senator from South Carolina indicated. I am trying to understand why that number might be lower than the number of the Senator from South Carolina, given the fact that under Senator DASCHLE's approach, the service members could keep their private insurance and then have it reimbursed by the Defense Department, which would seem to be a better deal for the service member. The service member has an option to maintain his private insurance but, on the other hand, might have a larger cost to the Government. I wonder if the numbers of the two amendments come from the same place and looking at the same time.

Mr. GRAHAM of South Carolina. That is a very good question. Here is my understanding of how those numbers relate to each other.

The cost to the Government under Senator DASCHLE's package is \$1.2 billion per year. The package I am offering is \$1.4 billion. So it is more costly to the Government with the way it is constructed at this point. To the military member, it is several hundred dollars a month and more advantageous with our proposal.

Senator DASCHLE's proposal takes a 78-percent participation rate that all of us pay in the Federal health care program. What I do is take the retiree contribution to TRICARE and add \$100 for enlisted and \$150 for officers.

Here is the big difference: By having the second option where the Federal Government will pay an unknown amount of the premium that a Reserve or Guard member has in the private sector and is not identified how much we will pay, that changes the participation rates dramatically.

We have been told, under our proposal, it is a 70-percent participation rate. Under Senator DASCHLE's proposal, it is 50 percent. When you include the component of where we would pay to subsidize the private health care, it could go up to 90 percent in terms of that component, and nobody knows what that cost is.

Mr. LEVIN. Is the Senator indicating the cost of maintaining the private care option is not included in the estimates that Senator DASCHLE received?

Mr. GRAHAM of South Carolina. The participation rates are at 80,000. They are basing the current numbers on the 2002, 80,000 reservists mobilized. They are telling us that is not a true number; that, in reality, if this second option were offered, they would go from 80,000 to almost 350,000, and that has to be included.

Mr. LEVIN. So the Senator is suggesting—it is important to get these numbers straightened out overnight—that the cost to the Government of the second option that Senator DASCHLE offers, which is to maintain private insurance, that cost is not included in the estimate which was given to Senator DASCHLE?

Mr. GRAHAM of South Carolina. It is not included in the true form. It has as a cost estimate using 80,000 reservists when, in fact, they tell us the participation rates will be three times higher than that.

Mr. LEVIN. In which case the estimate would not be accurate.

Mr. GRAHAM of South Carolina. That is correct.

Mr. LEVIN. We are going to ask our staffs to take a look at this issue overnight. There is a real difference.

Mr. GRAHAM of South Carolina. I understand.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in strong support of S. 1050, the National Defense Authorization Act for fiscal year 2004. Before talking about this bill, I wish to comment on what my colleague from South Carolina just talked about with respect to his amendment on health care.

I commend both he and Senator DASCHLE for their leadership on this particular issue. We are in some very difficult times in America from a military perspective. We are calling on our Guard and Reserve more and more every single day. We want to do more to provide the benefits to attract high-

quality men and women into the Guard and Reserve and retain them once we get them there.

We are getting our fair share of America's finest into the Guard and Reserve, and anything we can do from a benefits standpoint to make sure we continue to do that and to keep them there are issues we certainly need to look at.

I personally like the concept of Senator GRAHAM a little better than Senator DASCHLE's, although I am not in any way critical of Senator DASCHLE's amendment. What I like about Senator GRAHAM's amendment is that we have a health care benefit within the active military that is called TRICARE. TRICARE is a fairly new health program which provides health care benefits to our active-duty personnel.

We have had some problems with TRICARE in getting it implemented, but we have gotten most of those kinks in TRICARE worked out. What Senator GRAHAM's amendment will do versus Senator DASCHLE's amendment is to strengthen TRICARE, and I think anything we can do to strengthen TRICARE and have it benefit the active duty, as well as the Guard and Reserve, is an approach we ought to use.

I commend both Senators. Senator GRAHAM has particularly taken a leadership role with regard to this issue. I certainly have enjoyed working with him on it.

As chairman of the Subcommittee on Personnel within the Armed Services Committee, it has been a distinct honor and privilege for this freshman Senator to work with Senator WARNER and Senator LEVIN. They are two men during my 8 years in the House of Representatives for whom I came to have great respect and great admiration, not just for their leadership on armed services issues, but on other matters as well, and to have the opportunity to work with them in the very close way I have had the chance to do over the last several months since becoming a member of the Armed Services Committee has been a distinct pleasure for me. They have certainly worked well together and worked in a bipartisan way within the committee to make sure we did produce a bipartisan bill.

America's defense is not a political issue. It is not a Republican issue or a Democratic issue. It is an American issue. These two gentlemen have provided the type of leadership America so desperately likes to see when it comes to any issue, but particularly with respect to defense issues.

I commend my ranking member, Senator BEN NELSON of Nebraska. First of all, Senator NELSON is a very gracious and grand American gentleman. The Senator from Nebraska has a number of military installations he represents, and to have the chance to visit with him on issues that are unique to Nebraska versus issues that are unique to Georgia has really been a delight for me.

What I have enjoyed doing most of all in working with Senator NELSON is

talking about issues that are of concern to our men and women in the military with respect to quality of life, educating their children, paying them greater benefits, whether it is pay raises or health care benefits or whatever. There is no greater champion for the men and women in our military uniforms than Senator BEN NELSON. I have truly enjoyed working with him and am very pleased we were able to craft a section of the Defense Authorization Act for 2004 together, and to do so in a very bipartisan way.

The committee recommended authorization of \$99.2 billion for military personnel, an increase of \$4.8 billion over the fiscal year 2003 authorization. It also approved several key provisions I will outline that fulfill our committee's express goal of continuing our commitment to improving the quality of life for the men and women of the Armed Forces—active duty, Reserve, Guard, and Retired—and their families.

S. 1050 authorizes an across-the-board pay raise of 3.7 percent for all military personnel. Additionally, targeted pay raises ranging from 5.25 percent to 6.25 percent are authorized for warrant officers and the Service's most experienced noncommissioned officers. These pay raises, along with existing incentive pays and bonuses, will continue to make careers in the military more attractive and send the message to all active and Reserve component personnel that their service in uniform is invaluable.

Following up on the initiative taken by the Senate in the Emergency Wartime Supplemental Appropriations Act for fiscal year 2003, the committee recommended permanent increases in the family separation allowance, from \$100 to \$250 a month, and in hostile fire, imminent danger pay from \$150 a month to \$250 a month. The subcommittee also supported legislative changes to high deployment pay proposed by DoD that will require close tracking of individual deployments and appropriately compensate those members who are repeatedly called away from their home bases for extended periods of time. These increases recognize the sacrifices made by military personnel and their loved ones who endure separations and the harsh realities of defending the Nation in the global war on terrorism.

The committee approved an incentive pay of \$100 a month for military personnel stationed in Korea. Arduous working conditions, substandard housing, and tours of duty unaccompanied by family members are hallmarks of duty in Korea. As the Nation marks the fourth and final year of the United States' 50th Anniversary of the Korean War Commemoration, and as the need for continuing vigilance on the Korean Peninsula becomes ever clear, thus additional compensation for service members in Korea is fully justified.

The subcommittee members were very concerned about the welfare of

survivors of all deceased military personnel—active duty, Reserve, and Retired. The committee accepted our recommendations to double the death gratuity from \$6,000 to \$12,000 retroactive to 9/11, 2001, and to extend automatic survivor benefit plan benefits to survivors of inactive duty Reservists who die while serving on active duty.

The committee responded to requests from the Department of Defense for assistance in force shaping by authorizing a new incentive pay for military personnel in overmanned ratings to encourage them to accept the challenge of converting to ratings and military occupational specialties that are experiencing shortages.

The committee responded to concerns about the operation of TRICARE standard, directing the Secretary of Defense to take necessary measures to ensure the adequacy of this TRICARE option.

The committee approved a proposal that will authorize unlimited use of military commissaries by qualifying members of the Ready Reserve. The "citizen soldiers" of the Guard and Reserve, who have so ably answered the Nation's call, before and after the attack of September 2001, deserve full access to this important benefit of service.

The committee authorized additional Army National Guard and Air National Guard full-time support personnel to assist in fielding 12 additional weapons of mass destruction civil support teams. Upon implementation, this will raise the total number of teams nationwide to 44.

The committee included a provision that will facilitate medical and dental screening and medical care for members of the Selected Reserve who are assigned to units that have been alerted for mobilization. The committee also included a provision that will ensure that Guard and Reserve leaders are eligible for command responsibility pay.

These are only a few highlights of S. 1050 which, I believe, indicate our sincere commitment to our troops and their families. As chairman of the Subcommittee on Personnel, I am proud to be a part of ensuring that we meet that commitment.

I will take a minute to commend our staff. As many hours as we put in—it is now 7:15 tonight and we will be going later than that—staff put in many more hours than we did. To my committee staffers, Dick Walsh and Patty Lewis, we say thank you for a great job and for all of your hard work and dedication to the men and women in uniform, and to Gary Leeling, who is the Democratic staffer who has worked so closely with Dick and Patty.

This has been a joint effort on the part of all three of these staffers. The same way Senator NELSON and I have worked in a bipartisan way, these folks have worked in a bipartisan way.

Gary, we say thanks to you for a terrific job on behalf of all of our men and women.

Again, I thank Senator NELSON for his outstanding work and his cooperation. It has been a pleasure to work with him. We cannot say enough about the great leadership Senator WARNER and Senator LEVIN, and their service to our country, particularly their service to the men and women who serve in uniform in every branch of our military. They are doing a terrific job of making sure the American military is second to no other military in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before our distinguished colleague departs the floor, I appreciate his thoughtful comments, but I guarantee him—Senator LEVIN and I have been doing this now for 25 years, but we are no stronger than the members we have on the committee. When the Senator from Georgia joined us, our strength increased. I intend to get that work product out of him 100 percent. I thank him for joining us, and for all he does on this committee and for the men and women in the Armed Forces.

Mr. CHAMBLISS. I thank the Senator.

Mr. WARNER. Mr. President, I thank the Members of the Senate who participated in the progress today. We have had good colloquies and strong statements. We have two pending amendments. I hope the respective leaders tomorrow can establish a time for voting on those amendments. Senator LEVIN and myself are going to be right here from roughly 10 a.m. on. I am hopeful that other amendments can be brought forward. We are anxious—and it is a bipartisan desire—to move this bill at its earliest time because we have important legislative measures that must be addressed this week prior to the recess that is scheduled.

One more of great significance is action on the debt limit. I am quite sure we are not going to leave town until that is in place.

AMENDMENT NO. 697

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I send an amendment to the desk and I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DORGAN, and Mr. NELSON of Florida, proposes an amendment numbered 697.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the end of subtitle D of title VI, add the following:

SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38."

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date applicable under subsection (d).

Mr. REID. This is an amendment we have offered on a number of occasions.

We worked well with the two managers of the bill. This deals with concurrent receipts. This amendment is offered on my behalf and that of Senator DORGAN. I understand, with the strict rules we are working under this year, that this amendment may not be relevant according to the rule now before the Senate.

I ask the Chair to rule on whether or not this amendment is relevant.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not relevant.

Mr. REID. I accept the ruling of the Chair. I am disappointed. This is a very important issue. As I say, Senator DORGAN and I feel very strongly about this, and the two managers of the bill have been most generous in their work in conference. In the past, we have gotten nothing in the House; everything we have done has been in the Senate.

I will look for another vehicle to move this forward in the future.

Mr. WARNER. I thank the distinguished leader. For many years now the Senator has taken strong leadership on this issue. At some point in time, the Senate and Congress as a whole will have to face this issue. I recognize that this is not a relevant amendment pursuant to the consent agreement and we cannot proceed.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Nevada for two things: First, for his faithful commitment to this issue. Currently, we see it as an issue of the Senator from Nevada and the Senator from North Dakota and a number of other Senators who have joined to try to bring equity in this area. We made at least some progress; it is because of their energy we have made the progress we have.

Second, I thank him for his acceptance of the ruling of the Chair. It is very important he does that because all Members need to accept the rulings of the Chair in the absence, it seems to me, of some overwhelming unusual precedent that would allow us to try to overrule the Chair. The whip's, the Democratic whip's approach is one which I think reflects the best traditions and the best instincts of this body. I thank him.

It also helped Senator WARNER and I to complete this bill within the parameters of the unanimous consent agreement.

Mr. REID. I ask my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 697) was withdrawn.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLING FEDERAL SPENDING

Mr. NICKLES. Mr. President, the FY2004 budget resolution adopted last month includes a provision to uncover waste, fraud and abuse in Federal Government spending. Today marks the beginning of a transparent and deliberative process that will be undertaken by Committees in the House and Senate to control Federal spending.

Specifically, the budget resolution requires the Chairman of the Committee on the Budget in both the House and Senate to place in the CONGRESSIONAL RECORD specified levels of savings for each authorizing committee. Chairman NUSSLE and I have developed a joint set of targets that requests each authorizing committee to report back with recommended savings proposals amounting to 1 percent of the committee's total mandatory spending. I will work with Senate committees to ensure that the savings target meaningfully represents the opportunities to find improvements in the programs under each committee's jurisdiction.

Pursuant to section 301(b) of H. Con. Res. 95, I submit the following specified levels of savings for Senate Committees. Given these savings targets, the budget resolution further requires committees to submit, by September 2, 2003, to the Budget Committee their findings that identify changes in law within their jurisdiction that would produce the specified savings. The reports submitted by committees will guide us in the preparation of future budget resolutions and will help us all improve program oversight.

It is my hope that the committees will enthusiastically join Chairman NUSSLE and me in this effort to root out waste, fraud and abuse. As trustees of taxpayer dollars, Members of Congress must insist that limited resources not be squandered. Federal spending has been growing at unsustainable levels. Congress cannot become lax in its duty to perform the necessary oversight on Federal spending.

Often we find that Federal programs—ignored over time—become susceptible to waste, fraud or abuse. For example, according to a General Accounting Office report released in January of this year, Medicaid has been added for the first time to the GAO's high-risk list, "owing to the program's size, growth, diversity, and fiscal management weaknesses."

Limited oversight has afforded States and health care providers the opportunity to increase Federal funding inappropriately. States are able to take advantage of funding schemes which supplant State Medicaid dollars with Federal Medicaid dollars by overpaying State-owned facilities and requiring the local government to transfer the excess back to the State. These dollars are then siphoned away from Medicaid patients and often are used for other purposes. Without proper oversight this and other program abuses can persist for years.

Other recent examples of abuse include a finding by the Inspector General of the Department of Education that nearly 23 percent of student loan recipients whose loans were discharged due to disability claims were gainfully employed. Additionally, the Office of Management and Budget has estimated that more than \$8 billion in erroneous earned income tax payments are made each year. These situations are unacceptable. The work that the Senate and House will undertake will result in reforms in these and other instances of misspent Federal resources.

Chairman NUSSLE and I have put in place a project specifically designed to draw upon the knowledge and experience of Senate experts in these programs. The savings resulting from this effort will not be arbitrary; they will be developed through sound and thoughtful considerations by those who know the programs best. I look forward to working with all the committee chairmen who will be reporting their findings and am committed to making this a success.

I ask unanimous consent that the above-mentioned spending levels be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAVINGS FROM 1 PERCENTAGE POINT REDUCTION IN MANDATORY SPENDING BY AUTHORIZING COMMITTEE [By fiscal year in billions of dollars]

Senate:		2004	2004-08	2004-13
Agriculture, Nutrition and Forestry	BA	-0.603	-3.162	-6.568
	OT	-0.563	-2.982	-6.251
Armed Services	BA	-0.778	-4.201	-9.178
	OT	-0.777	-4.195	-9.165
Banking, Housing, and Urban Affairs	BA	-0.139	-0.719	-1.436
	OT	-0.017	-0.058	-0.092
Commerce, Science, and Transportation	BA	-0.117	-0.601	-1.244
	OT	-0.074	-0.382	-0.807
Energy and Natural Resources	BA	-0.027	-0.118	-0.218
	OT	-0.024	-0.108	-0.201
Environment and Public Works	BA	-0.264	-1.493	-3.018
	OT	-0.023	-0.106	-0.195
Finance	BA	-7.340	-41.323	-98.601
	OT	-7.379	-41.407	-98.735
Foreign Relations	BA	-0.100	-0.599	-1.289
	OT	-0.119	-0.563	-1.181
Governmental Affairs	BA	-0.831	-4.518	-10.042
	OT	-0.816	-4.446	-9.904
Health, Education, Labor and Pensions	BA	-0.080	-0.471	-1.016
	OT	-0.072	-0.433	-0.944
Judiciary	BA	-0.085	-0.324	-0.621
	OT	-0.079	-0.326	-0.618
Veterans' Affairs	BA	-0.342	-1.833	-3.864
	OT	-0.341	-1.827	-3.852
Total	BA	-10.706	-59.362	-137.095
	OT	-10.284	-56.833	-131.945

Note.—Section 301(d) of H. Con. Res. 95 does not include Senate Select Committee on Intelligence, the Committee on Rules and Administration, the Committee on Indian Affairs, and the Committee on Small Business.

UNFAIR RESTRICTIONS ON LEGAL SERVICES CORPORATION

Mr. KENNEDY. Mr. President, many of us are increasingly concerned about the unfair restrictions on non-profit legal services providers under current Federal law who receive both Federal funds and private funds.

In 1996, Congress severely weakened the ability of many legal service providers to represent needy clients.